



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request from Theodore Elich to Operate a Hawaiian Shaved Ice Cart on the School Street Sidewalk in Front of the Post Office or Near Bone Cuisine A La Carte

MEETING DATE: June 15, 1994

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the request of Mr. Theodore Elich to operate a shaved ice cart on the School Street sidewalk in front of the Post Office or near Louis Fugazi's hot dog cart.

BACKGROUND INFORMATION: Lodi Municipal Code Section 10.44.080 (Exhibit A) prohibits the parking of lunch wagons, eating carts, etc., on any portion of the public right of way without obtaining a written permit from the City Council. The permit is to designate the specific location and conditions under which such cart shall be allowed to stand.

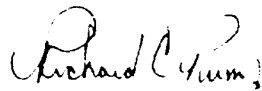
Mr. Elich has formally requested a permit to operate a shaved ice cart on the sidewalk in front of the Post Office or near Louis Fugazi's hot dog cart. A copy of Mr. Elich's letter is attached as Exhibit B.

RECOMMENDATION: Staff recommends that the City Council authorize the issuance of an encroachment permit to allow the placement of the shaved ice cart on the public sidewalk. Lou Fugazi has indicated that the presence of another cart near his cart would not impede on his business as long as Mr. Elich does not sell soft drinks. Mr. Elich has stated that he will sell shaved ice and cotton candy and will not sell soft drinks. Staff contacted numerous School Street merchants and received no negative comments regarding this venture. Mr. Elich will operate his cart, weather permitting, Monday through Friday, from 10 a.m. to approximately 4 p.m. He will have a trash can located next to his cart. The cart is five feet long and two and a half feet wide and will have an umbrella for shade.

The encroachment permit should address the following items and any other items the City Council feels appropriate:

- The location of the cart so that a minimum of three and a half feet of unobstructed passage is provided for sidewalk pedestrian traffic;
- The term of the permit;
- The owner's responsibility regarding litter;
- Hours of operation; and
- City authority to revoke permit.

FUNDING: None required.


Jack L. Ronsko
Public Works Director

Prepared by Janet S. Keeter, Economic Development Coordinator

JLR/JSK/lm

Attachments

cc Mr. Theodore Elich
Economic Development Coordinator

APPROVED



THOMAS A. PETERSON
City Manager



recycled paper

10.44.060

other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 1402 § 1 (part), 1987)

10.44.070 Parking not to obstruct sight distance.

No person shall park or leave standing a vehicle which is six feet or more in height, including any load thereon within one hundred feet of any intersection so designated in the traffic resolution. (Vehicle Code § 22507) (Ord. 1402 § 1 (part), 1987)

**10.44.080 Unlawful parking—
Peddlers, vendors.**

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street or public right-of-way within the city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such chapters upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

B. No person shall park or stand on any street or public right-of-way any lunch wagon, eating cart, vehicle or pushcart from which any chapters of food are sold or offered for sale without first obtaining a written permit to do so from

the council which shall designate the specific location in which such cart shall stand.

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the council which shall designate the specific location where the vehicle may stand.

D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating the provisions of this section, such permit shall be forthwith revoked by the council upon the filing of the record of such conviction with the council and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Vehicle Code § 22455) (Ord. 1402 § 1 (part), 1987)

10.44.090 Temporary parking.

A. Restrictions. Whenever the public works director or the police chief determine that a traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, they shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets as

JANET S. KEETER .

MAY 24 '94

Date: 5-23-94

City Manager's Office

SUBJECT. ENCROACHMENT PERMIT.

I TED ELICH would LIKE to ASK The LODI City COUNCIL For PERMISSION to OPERATE my HAWAIIAN SHAVE ICE CART ON SCHOOL St IN FRONT OF The POST OFFICE OR NEAR the HOT DOG CART.

I HAVE A BUSINESS LICENSE FOR 16 NORTH SCHOOL St BUT there IS NOT enough FOOT TRAFFIC. I Feel By MOVING up NEAR the POST OFFICE CUSTOMERS wUl Be ABle to See me Better AND where there IS MORE FOOT TRAFFIC. WHEN you Buy A HOT DOG you CAN WALK OVER to my CART AND GRAB A REFRESHING HAWAIIAN SHAVE ICE. I HAVE OVER 44 FLAVORS to CHOOSE FROM. I do the LODI Street FAIR MAY 15 & OCT 2. I OPERATE my SHAVE ICE AT the STOCKTON OPEN AIR MALL ON WILSON WAY. THANK you FOR GIVING me the MINUTES OF the COUNCIL to hear this MATTER.

Sincerely,

Theodore Elich
272 PLAINS CT
GALT CAL.

PH (209) 745-0410 95632

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

June 8, 1994

Mr. Theodore Elich
272 Plains Court
Galt, CA 95632

SUBJECT: Request from Theodore Elich to Operate a Hawaiian Shaved Ice Cart
on the School Street Sidewalk in Front of the Post Office or Near
Bone Cuisine A La Carte

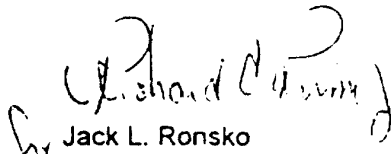
Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, June 15, 1994, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Janet Keeter, Economic Development Coordinator, at (209) 333-6700.


Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk